

Mexico's antinarcotics agency—precisely because he was believed to be incorruptible—was fired after being accused of taking payments from one of Mexico's leading drug barons.

The arrest of General Gutierrez raises several important questions about the United States-Mexican relationship in fighting the drug war. First, why did Mexico fail to alert us when it first suspected General Gutierrez some 2 weeks before his arrest? As a consequence, how much intelligence did the United States share in that 2-week period with Mexico that has now been compromised? Additionally, why did our intelligence assets fail to learn that the general had been placed under investigation? Finally, will we be able, in the short term, to continue cooperative law enforcement efforts—or will we have to step back and reassess the level and scope of our joint programs?

Mr. President, we must have answers to these questions—both from our Government and from the Mexican Government.

But until we get those answers, and until we see follow through by the Mexican Government on certain promises, I do not believe that we should certify that Mexico has provided full cooperation in the war on drugs. Instead, however, I do believe that the President would be justified in granting Mexico a vital national interest waiver. That decision—less than full certification—would send a strong political signal to the Mexican Government that its performance last year was inadequate, without causing a total disruption in our joint efforts.

In making this recommendation, I should note that Mexico has made some progress in its effort to combat the narcotics trade. Last year, at our urging, it enacted several important anticrime laws—an organized crime law, a money laundering statute, and a chemical diversion statute. It has agreed to extradite, under exceptional circumstances, Mexican nationals. It has agreed to set up organized crime task forces in key locations in northern and western Mexico.

All this is important. But, as the saying goes, the proof is in the pudding. We have seen only a handful of extraditions. We await implementation of the new anticrime laws. And we await full funding and adequate support for the task forces.

Most important, we must see institutional changes to root out corruption—for that remains the largest obstacle to combating the drug cartels. All the laws, all the promises, all the task forces will be insufficient if Mexico cannot rectify the systemic corruption in its law enforcement agencies. Mexico's efforts to confront corruption, ultimately, will be the test of whether it is serious in combating the narcotics trade.

Let me reiterate that I believe that, in contrast to the case of Colombia, Mexico has a President who is on our

side. President Zedillo has demonstrated great courage in advancing an agenda of institutional reform and in trying to weed out corrupt actors in his government. We must stand with him in this effort. But we must also be honest about the situation as we now see it—and honesty compels the conclusion that Mexico should not be fully certified.

But I do not believe that we should take the step of decertifying Mexico. President Zedillo's demonstrated leadership amid the growing drug threat is the fundamental reason I propose a national interest waiver for Mexico. A full decertification of Mexico could have long-lasting, damaging repercussions that we cannot now predict. At a minimum, it could inhibit the political space that President Zedillo has to press forward with his agenda of reform. And if we destroy the President's political ability resolve to combat the drug traffickers, we will have achieved nothing—and we may well lose the gains that we have recently achieved.

Even as I recommend decertification for Colombia, and a national interest waiver for Mexico, I should emphasize that this issue can—under the law—be revisited during the coming year as to Colombia. The law permits the President to provide a national interest waiver during the course of the year provided there has been a fundamental change in government, or a fundamental change in the conditions that led to not providing a full certification in the first instance.

In this regard, I encourage the Clinton Administration to spell out benchmarks for Colombia to achieve in the coming months—benchmarks that, if achieved, would permit the President to move forward with a national interest waiver.

Mr. President, I do not underestimate the difficulties facing Colombia and Mexico in combating the power of the drug barons. But the difficulty of the challenge cannot be an excuse for insufficient action. Given the massive scourge of drugs confronting us, we must continue to raise the level of expectations and attention given to the drug trade by our southern neighbors. This is what the certification process calls for, and this is what our nation must do. ●

REGULATIONS REGARDING DISCLOSURE OF CERTAIN PRO BONO LEGAL SERVICES

● Mr. SMITH of New Hampshire. Mr. President, consistent with the provisions of Senate Resolution 321, adopted October 3, 1996, I ask that the "Regulations Regarding Disclosure of Certain Pro Bono Legal Services," adopted by the Senate Select Committee on Ethics on February 13, 1997, be printed in the CONGRESSIONAL RECORD of the 105th Congress.

The regulations follow:

SENATE SELECT COMMITTEE ON ETHICS REGULATIONS

On October 3, 1996, the Senate agreed to S. Res. 321, which provides:

Resolved, That (a) notwithstanding the provisions of the Standing Rules of the Senate or Senate Resolution 508, adopted by the Senate on September 4, 1980, pro bono legal services provided to a Member of the Senate with respect to a civil action challenging the validity of a Federal statute that expressly authorizes a Member to file an action: (1) Shall not be deemed a gift to the Member; (2) shall not be deemed to be a contribution to the office account of the Member; and (3) shall not require the establishment of a legal expense trust fund.

(b) The Select Committee on Ethics shall establish regulations providing for the public disclosure of information relating to pro bono legal services performed as authorized by this resolution.

The following regulations, adopted on and effective as of February 13, 1997, are promulgated by the Select Committee on Ethics pursuant to S. Res. 321, and are applicable to Members to the United States Senate during the time of their service in or to the Senate.

REGULATIONS REGARDING DISCLOSURE OF CERTAIN PRO BONO LEGAL SERVICES

A Member who accepts pro bono legal services with respect to a civil action challenging the validity of a Federal statute as authorized by S. Res. 321 shall submit a report to the Office of Public Records of the Secretary of the Senate and the Senate Select Committee on Ethics within 30 days of the date on which an attorney or law firm begins performance of the pro bono services for the Member (or, for such services provided to a Member prior to the publication of these regulations, within 30 days of the publication of these regulations in the Congressional Record).

All reports filed pursuant to these Regulations shall include the following information: (1) A description of the nature of the civil action, including the Federal statute to be challenged; (2) the caption of the case and the cause number, as well as the court in which the action is pending, if the civil action has been filed in court; and (3) the name and address of each attorney who performed pro bono services for the Member with respect to the civil action, as well as the name and the address of the firm, if any, with which the attorney is affiliated.

All documents filed pursuant to these regulations shall be available at the Office of Public Records of the Secretary of the Senate for public inspection and copying within two business days following receipt of the documents by that office.

Any person requesting a copy of such documents shall be required to pay a reasonable fee to cover the cost of reproduction.

REMINDER REGARDING AMICUS CURIAE

The disclosure requirements for accepting certain pro bono legal services pursuant to S. Res. 321 do not affect the ability of a Member to accept pro bono legal services to appear in a legal proceeding by amicus curiae brief without necessity of a Legal Expense Trust Fund and without disclosure or reporting. See, Committee Interpretative Ruling 442 (4/15/92), and Committee Regulations Governing Trust Funds (9/30/80, amended 8/10/88). ●

FIVE POINT PLAN TO BRING FREEDOM AND DEMOCRACY TO CUBA

● Mr. MACK. Mr. President, 1 year ago today, Fidel Castro brutally murdered Armando Alejandre, Jr., Mario de